

# **The California Advisory Commission on Special Education**

**Annual Report  
1999–2000**



## Publishing Information

---

*The Advisory Commission on Special Education: Annual Report 1999–2000* was developed by the Advisory Commission on Special Education. This publication was edited by Yolanda Starr, Commission Secretary; prepared for publication by Mary Grady, Resources in Special Education (RiSE); and designed by Rebecca White. The contents of this document do not necessarily reflect the policies or positions of the California Department of Education (CDE) or of RiSE.

© 2000 by the California Department of Education  
All rights reserved.

Additional copies of this document may be obtained by calling the Advisory Commission on Special Education at (916) 445-4603. This publication may also be viewed online at the homepage of the Special Education Division (SED): <http://www.cde.ca.gov/spbranch/sed>

# Contents

|   |           |
|---|-----------|
| <b>Acknowledgments .....</b>  | <b>4</b>  |
| <b>Executive Summary .....</b>  | <b>5</b>  |
| <b>Commission Charge and Membership .....</b>   | <b>9</b>  |
| <b>Membership Directory .....</b>   | <b>12</b> |
| <b>The Commissioners: A Composite Profile .....</b>   | <b>13</b> |
| <b>1999–00 Committee Reports</b>  |           |
| Program/Policy .....  | 14        |
| Legislative/Finance .....   | 19        |
| <b>Awarding Certificates of Achievement to Individuals with<br/>    Exceptional Needs: Report on Assembly Bill 1062 .....</b> | <b>25</b> |
| <b>Additional Activities and Reports .....</b>  | <b>29</b> |
| <b>Special Liaison Reports</b>  |           |
| Comprehensive System of Personnel Development Advisory<br>Committee (CSPDAC) .....  | 31        |
| Cultural Diversity .....  | 31        |
| Deaf and Hard-of-Hearing Advisory Task Force .....  | 32        |
| High School Exit Exam .....   | 32        |
| Interagency Committee .....   | 33        |
| Low-Incidence Disability Advisory Committee (LIDAC) .....   | 33        |
| Medi-Cal .....  | 34        |
| Youth Leadership Forum .....  | 34        |
| <b>A Look Forward .....</b>   | <b>35</b> |

# Acknowledgments

**T**he Advisory Commission on Special Education acknowledges the dedication of the following Commissioners who have fulfilled their term of office. They gave unstintingly of their time and talent to promote the work of the Commission, and their contributions are greatly appreciated.

## **Advisory Commission on Special Education Former Members**

|                 |                     |
|-----------------|---------------------|
| Natalye Black   | Larry Komar         |
| Philip Chinn    | Tim McNulty         |
| Janice Emerzian | Terence K. Prechter |
| David V. Gross  | Kendra Rose         |

# Executive Summary

**T**he Advisory Commission on Special Education is mandated by state and federal law. The Commission is required to study issues related to the education and unmet needs of individuals with disabilities, and provide recommendations to the Governor, the Legislature, the State Board of Education, and the State Superintendent of Public Instruction. The Commission's work plan for 1999–2000 included monthly meetings, public hearings, forums in both northern and southern California, and testimony by Commissioners to the California Legislature and the State Board of Education. Commissioners advised and worked with the California Department of Education (CDE), Special Education Division (SED),



and interacted with the California Secretary for Education, members of the State Board of Education, the Legislature, the United States Department of Education, Office of Special Education Programs, and the United States Congress.

In 1999–2000, the Commission continued the membership of three students with disabilities who alternated their participation in all Commission activities. Based upon their experiences in special

education programs, University of California, State University and community college programs, and community service organizations, these students provided meaningful insight on all matters before the Commission.

The following issues were reviewed by the Commission and most are detailed further in the “Committee Reports” section of this document:

## **Alternate Assessment Committee Participation**

A Commission representative has participated in an Alternate Assessment Workgroup since its inception in mid-1998. The Committee was established to determine assessment of children with severe disabilities.

## **Assembly Education Committee Hearings on Special Education**

The Commission provided testimony before the Assembly Education Committee, which examined concerns by parents and other interested parties on issues related to district and state compliance with federal and state laws and regulations.

### **The California Reading Initiative and Special Education/ 2002 Language Arts Adoption**

The Commission recommended that information about the participation of special education students be included in the Reading Initiative.

### **Complaint Management and Dispute Resolution**

The Commission invited the Complaints Management and Mediation Unit from the California Department of Education (CDE) to report on the Unit's reorganizing effort in effectively addressing its federal noncompliance issues. In support of the CDE's study of the Due Process System in California, the Commission held nine hearings in various parts of the state. The purpose was to assist in obtaining information from parents, school personnel, advocates, and other interested parties on their experiences with the state's current system of resolving disputes between parents and district personnel. Several significant recommendations emerged from the study and have been implemented. It will be necessary to augment the state budget for 2000–01 to accomplish these improvements.

### **Deaf and Hard-of-Hearing Program Guidelines**

The Commission supported and endorsed publication of the document, *Programs for Deaf and Hard-of-Hearing Students: Guidelines for Quality Standards*.

### **Diagnostic Centers**

The State Special Schools' Diagnostic Centers updated the Commission on their progress in behavioral intervention training for school personnel. This statewide training proved invaluable in helping school personnel develop procedures and skills to successfully implement programs for students with significant behavioral problems.

### **Guidelines and Procedures for Meeting the Specialized Physical Health Care Needs of Pupils**

Commission members participated in updating the publication, *Guidelines and Procedures for Meeting the Specialized Physical Health Care Needs of Pupils*. This document deals with policies, procedures, and regulations in *Education Code 49423* pertaining to administering medication in schools.

### **High School Exit Exams**

Commissioner Kendra Rose, who served on the High School Exit Exam Committee, informed the Commission about issues the Committee is considering as it develops guidelines to implement the examination process. The Commission will continue its vigilance of these examinations to ensure appropriate accommodations and adaptations are provided for students with special needs who require them.

### **Individualized Education Program (IEP) Face Sheet**

The Commission reviewed proposals to establish a single, statewide Individualized Education Program (IEP) form. It will be valuable for all Special Education Local Plan Areas (SELPA) to use a common face sheet on their IEPs. This will help to assure that pupils receive an appropriate program placement when they transfer to another district or SELPA.

### **Individuals with Disabilities Education Act (IDEA) Final Regulations (Public Law 105-17)**

Commission members participated in a training on the new regulations sponsored by the CDE's Special Education Division (SED), and worked with the SED to ensure that the California Education Code was current with the new IDEA regulations.

### **Partnerships between General and Special Education**

As general education programs are developed, the Commission continues to remind program developers that they must include students eligible for special education services. Commissioners have participated in committees to develop a reading initiative, graduation requirements, and state assessment programs that serve the needs of all students.

### **Shortage of Special Education Teachers**

The Commission met with representatives from the Commission on Teacher Credentialing (CTC)

to discuss expediting the process teachers from other states must follow to secure credentials in California.

### **Specific Learning Disability Eligibility**

The SED presented a "talking paper" to the Commission, which focused on the possibility of establishing new eligibility criteria. The Commission followed up on the SED's presentations by inviting several groups to present their viewpoints on the process of identifying Specific Learning Disability (SLD) students. In addition, the groups were invited to give their input on the development of culturally neutral assessment instruments that would evaluate students who were referred for special education considerations.

### **Study of Standardized Testing and Reporting (STAR) Accommodations**

The Commission expressed its concern to the State Board of Education about the need to expand the number of standard accommodations that are available to students with disabilities when they take the STAR test.

### **Support for Students with Disabilities Who Attend a College or a University**

The Commission determined there is a need to establish state centers that will transcribe course syllabi, instructor handouts, and examinations for students with disabilities who attend colleges and universities in California. The Commission will seek a legislative sponsor for a bill to create these centers.

## State Legislative Involvement

Commissioners met with every California Senator and Assembly Member, or members of their staff, as well as with other state leaders, on issues concerning the education of students with special needs.

### Assembly Bill 395 Follow-up: Specialized Health Care Needs in the Public Schools

The Commission voted to sponsor Assembly Bill 395, which would establish policies and procedures for the specialized health care needs of all children in California's schools. While Governor Gray Davis vetoed this bill, Commission Member Senator Charles Poochigian, in his presentation to the Commission, agreed that legislation was needed in this area.

### Assembly Bills 570 and 1925: Special Education Class Size and Caseload Reduction

The Commission held a number of hearings on special education class size and caseload reduction. As a result of its findings, the Commission and the California Association of Resource Specialists (CARS+) co-sponsored Assembly Bill 570. The bill would focus on the chronic overcrowding of special education classrooms. When AB 570 did not pass, the Commission co-sponsored AB 1925, also designed to meet the needs of special education classes. Similarly, AB 1925 was to consider the degree of support students need in the special education classroom. Although this bill had ten

co-authors who established pilots to study the needs of special education programs, it too failed to pass the Appropriations Committee.

### Assembly Bill 1062: Certificate of Completion

With the passage of Assembly Bill 1062, which requires schools to furnish a Certificate of Completion to students who have completed their IEP requirements, the Commission surveyed high school principals to determine how schools recognize students with disabilities who complete their high school graduation requirements. The complete results of the survey are in the "Legislative and Finance" section of this report.

### SB 1549 Poochigian

The Commission co-sponsored and supported Senate Bill 1549, which deals with the shortage of teaching personnel, and the issue of establishing guidelines for the administration of medication at school.

## Federal Legislation

### House Resolution (HR) 4055: Full Federal Funding for Special Education Programs

The Commission encouraged the Legislature to support HR 4055, a bill that authorizes full funding for IDEA. The measure authorizes increased appropriations of \$2 billion a year, over the next ten years, for the federal government to reach its full funding commitment of 40 percent in 2010.



# Commission Charge and Membership<sup>\*</sup>

**T**he Commission shall study and provide assistance and advice to the State Board of Education, the State Superintendent of Public Instruction, the Legislature,



and the Governor on new or continuing areas of research, program development, and evaluation in special education. In addition, the Commission shall do the following:

- ☞ Comment publicly on any rules or regulations proposed by the state regarding the education of individuals with exceptional needs, as defined in *Education Code Section 56026*
- ☞ Advise the State Superintendent of Public Instruction on developing evaluations and reporting on data to the Secretary of Education in the United States Department of Education under *United States Code Section 1418 of Title 20*
- ☞ Advise the State Superintendent of Public Instruction on developing corrective action plans to address findings identified in federal monitoring reports under the IDEA (20 U.S.C. 1400 et seq.).
- ☞ Advise the State Superintendent of Public Instruction and the State Board of Education on developing and implementing policies relating to the coordination of services for individuals with exceptional needs

The Commission shall report, not less than once a year, to the State Board of Education, the State Superintendent of Public Instruction, the Legislature, and the Governor on the following activities enumerated in *Education Code Section 56100* that are necessary to be undertaken regarding special education for individuals with exceptional needs.

- ☞ Priorities and procedures utilized in the distribution of federal and state funds
- ☞ Unmet educational needs of individuals with exceptional needs within California
- ☞ Recommendations on providing better educational services to individuals with exceptional needs, including, but not limited to, the development, review, and revision of the definition of “appropriate” as that term is used in the phrase “free and appropriate public education” for the purpose of the federal IDEA (20 U.S.C. Sec. 1400 et seq.)

<sup>\*</sup> As defined in *Education Code, Part 20, Chapter 4, Article 6, on the Advisory Commission on Special Education (Amended by SB 1686, Chapter 691, Statutes of 1998)*.

## Composition

In accordance with California Education Code 33590, the Advisory Commission on Special Education shall consist of 17 members:

- One member of the Assembly appointed by the Senate Committee on Rules
- One member of the Senate appointed by the Senate Committee on Rules
- Three public members appointed by the Speaker of the Assembly, two of whom shall be individuals with a disability, or parents of pupils in either public or private school, who have received or are currently receiving special education services due to a disabling condition
- Three public members appointed by the Senate Committee on Rules, two of whom shall be individuals with a disability or parents of pupils in either a public or private school who have received or are currently receiving special education services due to a disabling condition
- Four public members appointed by the Governor, two of whom shall be parents of pupils in either a public or private school who have received or are currently receiving special education services due to a disabling condition
- Five public members appointed by the State Board of Education, upon the recommendation of the State Superintendent of Public Instruction or the members of the State Board of Education, three of whom shall be parents of pupils in either a public or private school who have received or are currently receiving special education services due to a disabling condition

## Terms

- The members of the Legislature appointed to the Commission shall serve at the pleasure of the appointing power.
- Each public member shall serve a four-year term.
- Terms of public members expire December 31.

### **Amount of Time Required by Members**

The Commission holds eight regular meetings and additional ad hoc task force meetings as needed. Committee meetings are generally set within the framework of regular meetings. In addition, there is sometimes a need for one or two days a month to prepare for Commission meetings or to attend State Board of Education meetings and special conferences when authorized by the Commission.

### **Compensation**

Members of the Commission serve with no compensation. They are reimbursed for the expenses they incur in the performance of their duties.

### **Statutory Authority**

Individuals with Disabilities Education Act (IDEA) [20 U.S.C. Section 1412 (a)(21)]. *California Education Code Section 33590*. The complete text of the *California Education Code* is available on the Internet at <http://www.leginfo.ca.gov/calaw.html>



## Membership Directory, 1999–2000

| Commissioners                    | Term               | Appointed by |
|----------------------------------|--------------------|--------------|
| Loeb Aronin, <i>Chair</i>        | 10/10/96–12/31/01  | State Board  |
| Louis Cassani, <i>Vice-Chair</i> | 11/27/96–12/31/99* | Assembly     |
| Vacant                           | 07/06/98–12/31/01  | Governor     |
| Natalye Black                    | 02/02/96–12/31/99* | Senate       |
| Allison B. Brightman             | 01/01/00–12/31/03  | State Board  |
| Philip C. Chinn                  | 10/10/96–12/31/01  | State Board  |
| Angela M. Hawkins                | 01/01/00–12/31/03  | State Board  |
| Shirley Kaltenborn               | 07/06/98–12/31/01  | Governor     |
| Veronica Lomeli                  | 11/27/96–12/31/99* | Assembly     |
| Janet Mangini                    | 01/01/00–12/31/03  | State Board  |
| Barbara Monroe                   | 01/05/98–12/31/01  | Senate       |
| Kendra Rose                      | 02/20/91–12/31/99* | Senate       |
| Lawrence Siegel                  | 01/19/94–12/31/01  | Assembly     |
| Linda C. Wyatt                   | 02/28/00–12/31/03  | Governor     |

### Student Members

|                |           |
|----------------|-----------|
| Shawn Mohamed  | 1999–2001 |
| Danielle Morin | 1999–2001 |
| Sam Ogami      | 1998–2000 |

### Governor's Office, Secretary for Education Liaison

Christine Aranda, *Deputy Secretary of Education K–12*

### Legislative Members

*Senate:* Charles Poochigian

*Assembly:* Susan A. Davis

### Executive Secretary

Alice D. Parker

### State Board Liaison

Susan Hammer

Kathryn Dronenburg, *Alternate*

### State Special Schools Liaison

Ronald Kadish

### Commission Staff Liaison

Janet Canning

### Commission Secretary

Yolanda Starr

\* In accordance with the ACSE bylaws, Article I, Section 4, "Tenure," "Every Commissioner whose term has expired may continue to discharge the duties of his/her office until his/her successor has qualified."

## The Commissioners: A Composite Profile

**M**embers of the Commission present a wide range of experiences and qualifications. Commissioners are parents and grandparents of children with disabilities, special education teachers and instructional aides, administrators, legislative representatives, attorneys, business leaders, psychologists, authors, and university instructors.

Additionally, members bring to the Commission varied backgrounds in bilingual special education, school and district administration, foster care and child development, fine arts in special education,

**T**he Commissioners are passionate in their quest to ensure that children with disabilities receive appropriate services, and they commit their time and expertise to support the Commission's goals.

that children with disabilities receive appropriate services, and they commit their time and expertise to support the goals of the Advisory Commission on Special Education.

school transition, and nonpublic school placement. Commissioners are members of many advocacy groups and serve on advisory boards and committees for children with disabilities, dedicated to improve services for all children with special needs.

The members of the Commission are a committed group. They are passionate in their quest to ensure

# 1999–00

## Committee Reports

### Program/Policy: A System Focus

Chairpersons: *Kendra Rose and Lawrence Siegel*  
Program/Policy Committee

The Program and Policy Committee focused on both specific and broad systemic issues that affect special education. Among the broad issues was the Commission's concern for a growing teacher shortage and overall funding inadequacies, which affect special and general education in the most fundamental ways. The Commission has enlisted all special education (and general education) stakeholders in California to comprehensively focus on these two central issues. Program and Policy also focused on the broad issues of due process reform and testing accommodations for children in special education.

The Committee revisited certain core issues. These issues included the following:

- Assessment of how inadequate funding undermines an effective, educational delivery system
- Agreement on adequate funding and staffing among all stakeholders
- Acknowledgement that legal mandates, including additional testing requirements and responsibilities for special education staff, cannot be met without addressing larger, systemic/fiscal problems
- Focus on issues of fiscal commitment, teacher shortage, and overall educational environment

### Central Focus

#### Teacher Shortage and Fiscal Matters Affecting Special Education

##### Issues

1. California has become increasingly reliant on emergency credentials in providing special education with teachers.

2. California's universities are having difficulty in attracting teacher candidates and training them in special education.
3. Discrepancies exist between teacher salaries and those of similarly trained professionals.
4. An overall strategy is necessary to insure that an adequate number of qualified, special education teachers join the workforce.

#### **Actions**

1. The Commission met with Dr. Christine Aranda, Secretary for Education Liaison, to promote providing additional funding for special education.
2. The Commission began planning for a "Call to Action," an activity that will combine all the major educational stakeholders in California. The purpose is to develop a coalition and work toward a fundamental change in educational funding. The Commission will continue its role of assisting and facilitating this activity throughout the 2000–01 fiscal year.
3. The Commission formally conveyed its support for congressional efforts to fully fund IDEA.

### **Improving the Relationship between Parents and School Districts**

#### **Issues**

While there have been disputes between parents and school districts since the inception of IDEA in 1975, these conflicts have intensified over the years.

#### **Actions**

1. Two separate panels convened to discuss current difficulties between parents and school districts and to offer suggestions for change.
2. On October 1999, a panel of parent advocates and lawyers spoke to the Commission, describing their work, the reasons for dissention between special education partners, and ways to improve relations.
3. In January 2000, a panel of school district attorneys presented their clients' suggestions on improving relations between educators and parents.

4. In conjunction with the CDE, the Commission assisted in a full assessment of the Due Process Hearing and Mediation system in California. In addition, the Commission assisted in developing specific recommendations for improving this system and thereby facilitating communication between parents and school districts as they resolve problems together.

The Commission formally supported the Due Process Hearing and Mediation report, which included a recommendation that low-income parents be provided qualified legal assistance in due process matters.

### **Low-Incidence Population and State Schools**

#### **Issues**

Services and programs are not available to low-incidence students in California.

#### **Actions**

1. The Commission formally supported the publication, *Programs for Deaf and Hard-of-Hearing Students: Guidelines for Quality Standards*, developed by the CDE's State Special Schools Division. The Commission recommended that the CDE disseminate the publication and assist parents and school districts in understanding and using the guidelines.
2. The Commission formally supported efforts to equalize pay for school teachers in California.

### **Other Key Issues**

#### **Commission Membership**

##### **Issues**

There is a need for appointment of Commissioners who represent Asian, African-American, Native American, Hispanic, and other communities in our ethnically diverse state.

##### **Action**

The Commission has conveyed its written concern to the appointing bodies.



## **Federal and State Special Education Monitoring**

### **Issue**

Dr. Alice D. Parker, Director, Special Education Division, CDE, reported to the Commission on changes that were implemented in monitoring special education in California, and on federal monitoring efforts of the state's special education system.

### **Action**

The Commission provided input and recommendations to the California Department of Education on its Quality Assurance Process and focused monitoring.

## **Assessments**

### **Issue**

Appropriate accommodations are needed for the STAR test and newly mandated High School Exit examinations.

### **Action**

The Commission formally endorsed efforts to ensure that such testing provides appropriate accommodations for students in special education.

## **Reading and Special Education**

### **Issue**

The Commission received information on *The California Reading Initiative and Special Education in California*, which provided excellent recommendations on improving reading skills of special and general education students. In conjunction with this issue, the Commission also heard testimony on the misapplication of special education status to students with reading difficulties.

### **Action**

The Commission formally recommended to the State Board of Education that *The California Reading Initiative and Special Education in California* report be included in the state's reading and language arts framework.

## **Learning Disability Eligibility**

### **Issue**

The Commission received continual testimony from the California Department of Education and school psychologists on a change in eligibility standards for students with learning disabilities.

The Commission is concerned that a purely numerical determination of a learning disability is contrary to California's regulations and may keep certain students who need special education services from receiving them.

### **Action**

The Commission investigated this issue and worked with the CDE to make necessary changes.



## Legislative/Finance

Chairpersons: *Barbara Monroe and Shirley Kaltenborn*  
Legislative/Finance Committee

Commission activity with the State Legislature is at an all-time high. During the 1999–2000 session, Commissioners held meetings with every California Senator and Assemblyperson, as well as with other state leaders, to alert them to ongoing issues concerning the education of students with special needs.

### Special Day Class Size and Caseload

The issues of Special Day Class size and caseload for special education specialists remained a top priority for the Commission during 1999–2000. Guided by the review of testimony received during more than twelve statewide public hearings held in 1998–1999, the Commission sponsored Assembly Bill 570 (Dickerson), the Caseload Reduction Plan for Special Education. The California Association of Resource Specialists and Special Education Teachers (CARS+) soon joined the Commission as the official co-sponsor of this important legislation. Unfortunately, after passing the Assembly Education Committee, AB 570 was held in suspense by the Assembly Appropriations Committee, a move that effectively “killed” the bill.

Following consultation with legislators, CARS+, and other interested stakeholders, the Commission and CARS+ sponsored AB 1925 (Dickerson), a new measure aimed at lowering teacher-student ratios in special education settings. This measure provided for incentive funding to districts participating in a pilot study to begin reducing class size or caseloads for up to 1,000 special day class teachers and/or special education specialists. The bill would have also changed the caseloads of speech and language specialists from averages to maximums. AB 1925 also contained language authorizing a study of the pilot program and additional funding to university programs increasing special education teacher recruitment and training programs.

Despite intensive legislative efforts by CARS+, the Commission, and other stakeholder representatives, AB 1925 suffered the same fate as its predecessor. After passing the Assembly Education Committee, AB 1925 was once again “killed” when it was held in suspense by the Assembly Appropriations Committee. To date, many of California’s special education students still struggle to meet their potential in classes that are simply too large. The Commission, along with CARS+, will continue to keep this issue as their top priority.

## Other Key Issues

Three additional key issues were continued from last year's session:

1. The awarding of certificates of educational achievement to high school special education students who have achieved the goals outlined in their IEP
2. The provision of instruction in Braille to pupils who are visually impaired
3. The revision of juvenile court law to ensure that children receive special education and related services, and any accommodations to which they may be entitled

## State Legislation

The following legislative bills were individually reviewed and tracked by Commissioners who took a personal interest in each bill's subject area. The name of each bill's author follows the bill title. The Commission's official position ("support," "oppose," or "watch") and the Commissioner who tracked the bill are listed at the end of each description.

### **AB 318 (Lempert and Villaraigosa):**

Enacts the California Paraprofessional Incentive Program to permit school districts to apply for grant funds to employ and train paraprofessionals in grades K–6. (Support) *Mangini*

### **AB 602 (Davis and Poochigian):**

Signed into law in the 1997–98 fiscal year, addressed financial accountability in special education funding. The Commission has continued to actively monitor and participate in the implementation of the various facets of this important legislation. (Support) *Gross*

### **AB 609 (Wildman):**

Requires instruction in Braille be provided to pupils who are functionally blind unless the IEP team determines that such instruction is not appropriate. The bill also authorizes school districts, Special Education Local Plan Areas (SELPA), or county offices of education to use a Braille instructional aide

who meets certain criteria and is supervised by a credentialed teacher to teach pupils who are functionally blind or visually impaired. (Support, if amended) *Lomeli*

### **AB 707 (House):**

Requires a person employed as a school psychologist to hold a valid certificate issued by the appropriate state agency, a master's degree, and 200 hours of field experience. (Support) *Aronin*

### **AB 945 (Maldonado):**

Authorizes qualified, designated school personnel, trained and supervised by a nurse or licensed physician and surgeon, to assist individuals with exceptional needs who require specialized, physical health care needs. The bill also prohibits certificated instructional staff from being required to assist such individuals. (Watch) *Siegel*

**AB 1062 (Margett):**

Authorizes the award of a certificate or document of educational achievement to an individual with exceptional needs who meets certain criteria. Such individuals would also be eligible to participate in any high school graduation ceremony and any school activities related to high school graduation.

(Support) *Monroe*

**AB 1307 (Granlund):**

Expands the reasons to deny a school bus driving certificate. (Support) *Kaltenborn*

**AB 1324 (Zettel):**

**Signed by the Governor on July 19, 2000.** Authorizes certain credential holders to teach children in a special day class setting consisting of pupils with mild to moderate disabilities in addition to pupils with speech and language impairments.

(Support) *Kaltenborn*

**AB 1795 (Dutra):**

**Signed by the Governor on July 19, 2000.** Requires a principal or principal's designee, who reports a criminal act by a student with exceptional needs, to ensure that copies of the student's special education and disciplinary record be transmitted, pursuant to IDEA '97. All provisions of the bill were deleted except one pertaining to the special education sunset date, which was extended to June 30, 2001.

(Support) *Kaltenborn*

**AB 1879 (Cunneen):**

Requires the California Healthy Kids Resource Center, along with the CDE, to review and approve brain and spinal cord injury prevention curricula to be used by certificated staff on a voluntary basis.

(Support) *Monroe*

**AB 1925 (Dickerson):**

Establishes the Caseload Reduction Act of 2000 for special education and implements a two-year pilot program to provide funding to 1,000 special education teachers and/or other specialists. (Support) *Cassani*

**AB 1940 (Papan):**

Requires the State Superintendent of Public Instruction to develop, and the State Board of Education to adopt content and performance standards for individuals with exceptional needs. The bill also requires that individuals with exceptional needs be included in general statewide and district-wide assessment programs with appropriate accommodations. (Support) *Brightman*

**AB 1941 (Wright):**

Authorizes instruction to school teams serving English Language Learners in K–12 and an additional 10,000 participants in the English Language Development Professional Institute under the English Language Acquisition Program. (Support) *Lomeli*

**AB 1942 (Reyes):**

Establishes the Education Technology Grant Program to provide one-time grants to school districts to acquire or lease computers for instructional purposes. The bill also establishes the Educational Technology Professional Development Program to provide teacher training on the use of technology in the classroom. (Watch) *Hawkins*

**AB 1980 (Aroner):**

Extends funding for school-based early mental health intervention and prevention services for students in grades one through three, inclusive, from the existing three years to five years. This increases the length of time that students who are having school adjustment issues can stay on campus. (Support) *Mangini*

**AB 2055 (Dickerson):**

Requires the State Superintendent of Public Instruction to provide a supplemental allocation to small necessary SELPAs so they can maintain the same special education cost efficiencies as a special education program with a greater pupil population. (Support) *Cassani*

**AB 2068 (Steinberg):**

Declares a state policy that whenever a provider determines that a school-aged child to whom he or she is providing services has special mental health needs, the provider shall inform the child's parents that the child may be eligible for special education and related services. (Watch) *Mangini*

**AB 2104 (Strom-Martin and Rod Pacheco):**

Establishes two five-year demonstration projects to be operated in two regional facilities for the purpose of providing care, security, treatment, education, mental health services, and aftercare of minors placed in those facilities. (Support) *Aronin*

**AB 2105 (Scott and Steinberg):**

Establishes a program to award planning grants to counties to provide school-based mental health services to children. (Watch) *Hawkins*

**AB 2185 (Gallegos):**

Establishes a Newborn Eye Screening Program that would develop a protocol for a red reflex screening examination. (Support) *Wyatt*

**AB 2224 (Mazzoni):**

Requires the State Superintendent of Public Instruction to recommend, and the State Board of Education to adopt, a comprehensive list of reading instruments that a school district may use to diagnose pupil reading development and comprehension. The bill also authorizes a district-level committee to adopt an alternative list. (Support) *Cassani*

**AB 2321 (Mazzoni):**

Requires the CDE to select and allocate funds to three SELPAs to implement a pilot project for alternative due process hearing and mediation procedures. (Support) *Aronin*

**AB 2375 (Honda):**

Revises the provisions of juvenile court law to require specific actions be taken to ensure children receive any educational and related services, and any accommodations for individuals with disabilities, to which they are entitled. (Support) *Chinn*

**AB 2392 (Corbett):**

Permits a referral for assessment to be made by a guardian, foster parent, pupil (over 16 years old), advocate, or other designated adult. The bill also provides that a foster parent has the rights regarding the foster child's education that a parent has under IDEA '97. (Support) *Wyatt*

**AB 2524 (Washington):**

Signed by the Governor on July 19, 2000. Revises the staffing requirement for regional facilities designed to treat seriously, emotionally disturbed minors by adding a licensed marriage and family therapist. (Watch) *Aronin*

**AB 2625 (Pacheco):**

Requires salaries paid to teachers employed by State Special Schools to be equal to the salary of public school teachers employed by school districts who teach pupils with learning disabilities similar to those of pupils taught in State Special Schools. (Support) *Kaltenborn*

**AB 2670 (Rod Pacheco):**

Establishes a committee to conduct a three-year study on school nurses and public health. (Support) *Hawkins*

**SB 949 (Speier):**

Increases the statutorily permitted reimbursement rate for children placed in a licensed or approved family home or an approved home of a relative or unrelated guardian. The bill also requires the Department of Social Services to establish a training and certification program for licensed family foster care providers, and an Office of Family Foster Care and Adoptive Parent Supply. (Support) *Chinn*

**SB 1330 (Alpert and Karnette):**

Changes the requirements of an applicant currently enrolled in a qualified teacher credentialing program to maintain a minimum of half-time enrollment for the purposes of loan assumption. (Support) *Lomeli*

**SB 1400 (Poochigian):**

Amends the Children's Mental Health Services Act, which provides support for the Children's System of Care, a statute that defines how the Department of Mental Health interacts with counties. (Support) *Lomeli*

**SB 1503 (Polanco):**

Allows charter schools to be eligible for reimbursement for hours of pupil attendance claimed for intensive algebra academies. (Support) *Siegel*

**SB 1505 (Alarcon):**

Provides various programs and resources to recruit and retain teachers at low-performing schools under specific provisions. The bill also provides financial incentives to attract new and fully credentialed teachers to teach science, mathematics, and technology. (Support) *Lomeli*

**SB 1549 (Poochigian):**

Requires the CDE to review regulations concerning the assistance of individuals with exceptional needs by qualified health and school personnel, and make recommendations to the State Board of Education on needed updates to these regulations. (Support) *Cassani*

**SB 1843 (Solis):**

Authorizes the State Superintendent of Public Instruction to withhold state or federal funds allocated under IDEA if certain findings are established regarding noncompliance with state or federal special education law. (Support) *Lomeli*

**SB 1853 (Alarcon):**

Provides funds for all pupils with learning disabilities to be properly diagnosed and treated early in their education. The bill also provides legislative funding for pupils with disabilities who require extra-time accommodations on the Scholastic Aptitude Test. (Support) *Wyatt*

**SB 1856 (Figueroa):**

Authorizes the Department of General Services to sell property located at the California School for the Deaf to the City of Fremont. (Support) *Monroe*

**SB 1914 (Poochigian):**

Signed by the Governor on July 5, 2000. Prohibits the denial of a petition to establish a charter school based on the actual or potential costs of serving individuals with exceptional needs. (Support) *Brightman and Kaltenborn*

**SB 1938 (Speier):**

Deletes the provision making the Miller-Unruh Basic Reading Act of 1965 inoperative as of June 30, 1987. (Watch) *Chinn*

**Joint Resolution**

**AJR 40 (Wildman):**

A joint resolution that urges Congress and the President to fully fund the Individuals with Disabilities Education Act of 1997 (IDEA '97). (Support) *Kaltenborn*

**Federal Legislation:**

**HR 3545 (Martinez):**

Supports full funding for the Individuals with Disabilities Education Act of 1997 (IDEA '97). (Support) *Monroe and Rose*



# Awarding Certificates of Achievement to Individuals with Exceptional Needs

**Report to the Governor, the Legislature,  
the State Board of Education, and the State  
Superintendent of Public Instruction on  
Assembly Bill 1062**

Chairperson: *Barbara Monroe*

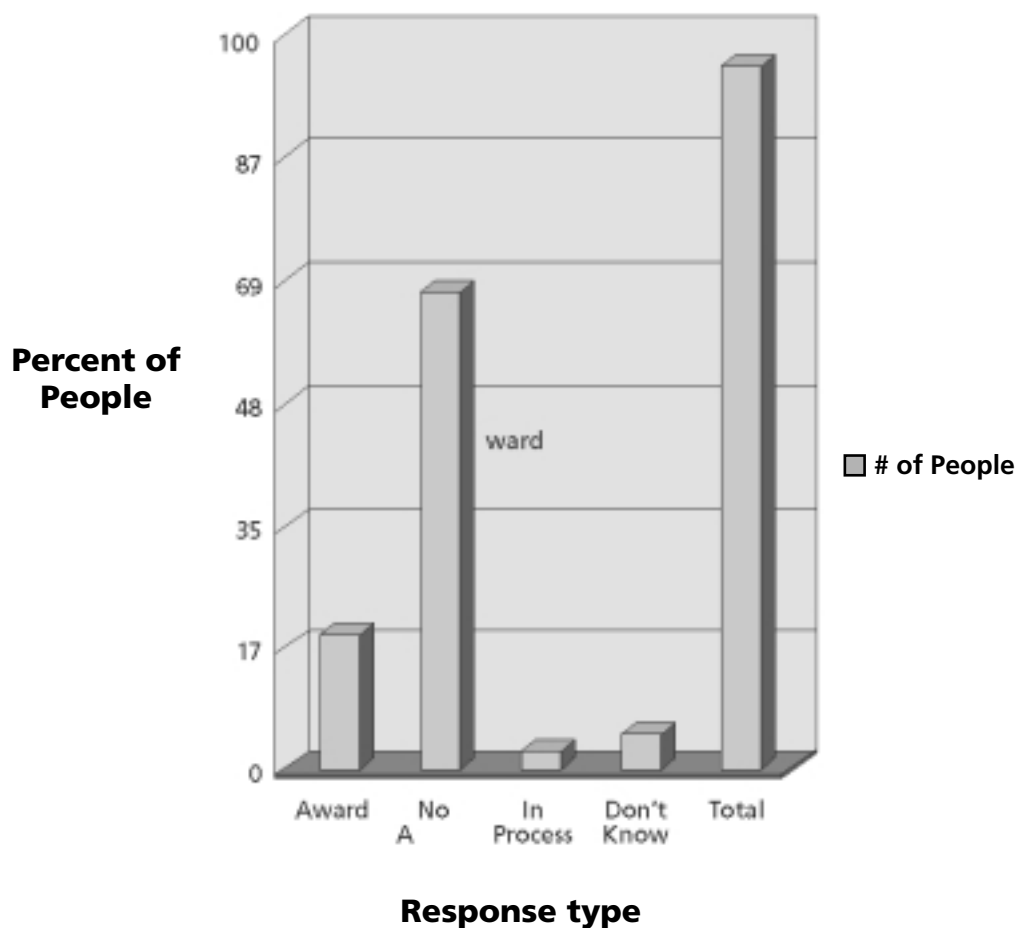
**O**n September 15, 1999, Governor Gray Davis signed AB 1062 (Margett) authorizing the awarding of a certificate or document of educational achievement to individuals with exceptional needs who meet certain criteria. The bill, sponsored by the Advisory Commission on Special Education, also requires the Commission to report to the State Board of Education, the Superintendent of Public Instruction, the Legislature, and the Governor on the practice of awarding certificates or documents of educational achievement to individuals with exceptional needs.

To carry out this requirement, the Commission prepared and mailed a “Certificate of Achievement for Students with Special Needs Survey” to all special education local plan directors, requesting they forward the survey to all high school principals in their districts. Among the areas examined were whether the high school currently awarded a certificate of achievement, whether students with exceptional needs participated in the general education ceremony, and any specific policies or procedures regarding diploma practices. Following is an analysis of the survey results.

## Results

Figure 1 illustrates a percentage of schools that award a certificate of achievement to their students with special needs. Figure 2 shows whether students with special needs participate in the general education ceremony, and Figure 3 shows if a separate ceremony is conducted for students with special needs.

Figure 1 – Awarding of Certificates



| Awarding of Certificates  |  | Percentage |
|---|--|------------|
| Percent of respondents reporting the awarding of a certificate of achievement |  | 24%        |
| Percent of respondents reporting no such certificate                          |  | 68%        |
| Percent of respondents “unsure,” “didn’t know,” or were “unable to answer”    |  | 5%         |
| Percent of respondents putting procedures in place for a certificate          |  | 3%         |
| Total   |  | 100%       |

Figure 2 – Participation in General Education Graduation

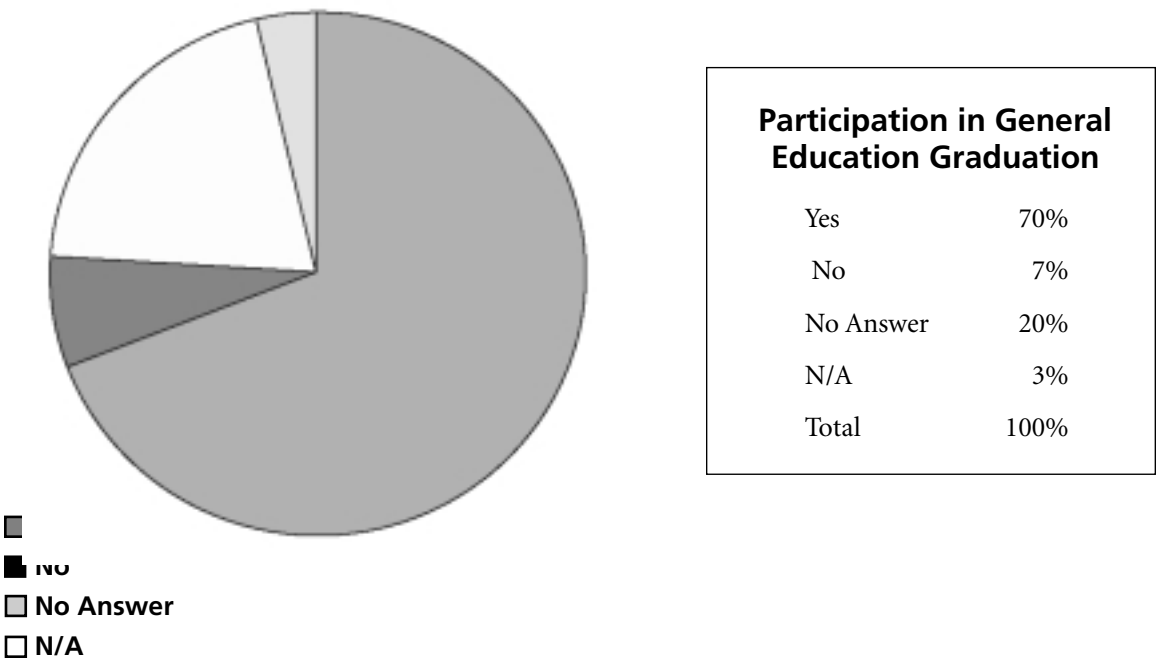
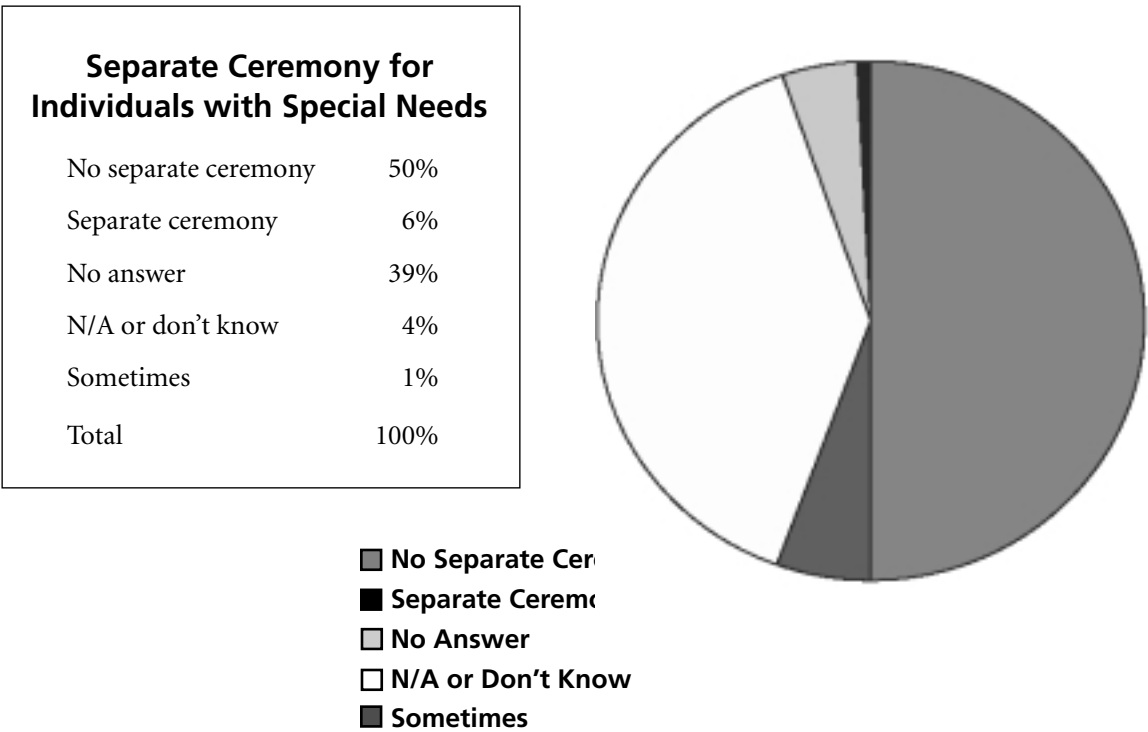


Figure 3 – Separate Ceremony for Individuals with Special Needs



## Conclusions

While students with special needs from nearly two-thirds of the high schools surveyed participate in a graduation ceremony, a majority of high schools do not issue a “Certificate of Achievement.” Current policies and procedures regarding the awarding of diplomas to individuals with special needs vary statewide. There are several common practices: it is a decision made by the IEP team; no specific policies are in place; and special education students receive the same type of diploma as their general education peers. Severity of disability was also a contributing factor as to whether a student received a diploma or an alternate kind of recognition.

The Commission is concerned that some high schools continue to exclude students with special needs from graduation ceremonies and fail to award the “Certificate of Achievement” required by law.

## Recommendations

With the enactment of AB 1062, the practice of awarding Certificates of Achievement to individuals with exceptional needs will most likely change. Following are three recommendations proposed by the Advisory Commission on Special Education to help facilitate this process.

1. The California Department of Education, Special Education Division, should develop a uniform procedure and process for schools to implement the awarding of certificates of achievements. Such a procedure should include the eligibility criteria for students with special needs.
2. Technical assistance should be provided to help schools implement the procedures for a “Certificate of Achievement” program.
3. Schools should be monitored or surveyed annually by the California Department of Education, Special Education Division, as to their progress in awarding individuals with special needs a “Certificate of Achievement.”



# Activities and Reports

Members of the Commission were also involved in the following activities:

## **Learning Disabilities Association of California (LDA-CA) Conference**

A regularly scheduled Commission meeting was held at the site of the LDA-CA Conference in Concord, California to facilitate parents' attendance and participation. At this conference, a panel of Commissioners, including student members, provided information to a large group of parents and teachers, and answered questions posed by attendees.

## **Deaf Education Conference (Kids 2000) Conference**

Commission Chair Loeb Aronin and Student Member Shawn Mohamed, who has a hearing disability, led a workshop at the Deaf Education Conference in Oakland, California. Participants learned strategies for defining the needs of deaf and hard-of-hearing educational programs. Additionally, they learned from a student's point of view the most helpful programs and strategies.

## **Specific Learning Disability Eligibility**

SED staff recommended improving the assessment and evaluation procedures for every student with a suspected learning disability who is referred. They also recommended a change in the current standards for identification.

A panel representing the California Association of School Psychologists (CASP) expressed its concern that students are not receiving needed services. The panel recommended that the CDE develop a process to engage all current and potential stakeholders in reviewing this issue.

Dr. William Thomas, representing the Association of Black Psychologists, concurred with the CDE's recommendation to expand the requirements for assessment and increase the opportunity for intervention through accommodations and modifications before determining eligibility. Dr. Thomas suggested that schools use a curriculum-based assessment of academic performance.

## **Complaint Management and Dispute Resolution**

At the SED's invitation, a team of Commissioners met with members of the Focused Monitoring & Technical Support Unit and the Procedural Safeguards Referral Service Unit to learn about the improved systems. A Commission Subcommittee visited the Complaints Management & Mediation Unit and met with staff responsible for handling parents' complaints.

The following improvements were suggested:

1. Investigate complaints within sixty days.
2. Monitor corrective actions ordered.
3. Enforce monitoring.

### **Shortage of Special Education Teachers**

Dr. Gary Best, Associate Director of Teacher Education in the Chancellor's Office at California State University, Sacramento, and Dr. Allen Mori, Dean of the Charter School of Education at California State University, Los Angeles, reported to the Commission that 30,000 teachers in California are working with only emergency permits. In addition, 5,000 teachers are serving with special education waivers, while many classrooms are being served by substitute teachers. A comprehensive, personnel preparation plan is needed to address this crisis, such as a campaign to increase funding for credentialed teachers, establish a training academy for teachers in specialized areas, and provide additional training on serving students with severe disabilities. This

concern could also be addressed by ensuring that any legislative reform proposals and amendments that target teacher shortages would also include the phrase "teacher and other credentialed specialists providing direct services to students."

### **Study of STAR Accommodations**

In response to concerns from the Commission about the need to expand the number of standard accommodations for students with disabilities when taking the STAR test, the State Board of Education requested that the test publisher investigate this concern. The Commission recommends the following:

1. Using flexible scheduling, revising test formats, and employing aides, none of which jeopardize the validity of the test
2. Modifying the reporting rules so students who use these accommodations receive derived scores
3. Aggregating test scores into school, district, and statewide data

# Special Liaison Reports

## **Comprehensive System of Personnel Development Advisory Committee**

Liaison: *Kendra Rose*

The Commission continues to maintain and support a liaison to the Comprehensive System of Personnel Development Advisory Committee (CSPDAC). Major systemic changes in the personnel development system occurred during 1999–00. The system sought to create partnerships with a broad constituency, focusing on sustained learning opportunities for teachers throughout their careers. This committee is a working body of members who provide advice to the State Director of the Special Education Division of the California Department of Education on issues relating to local, regional, and statewide training and personnel needs.

The State Improvement Grant (SIG), a five-year grant, was awarded to California this year (1999–00) for personnel development activities by the United States Department of Education, Office of Special Education Programs. Significant changes resulted in the allocation of personnel development from the implementation of this grant. The twelve existing



Regional Coordinating Councils (RCCs) were realigned geographically with the eleven county superintendent regions to match the professional development consortiums' structure.

## **Cultural Diversity**

Liaison: *Philip C. Chinn*

Over half of the student population in California is composed of ethnic individuals. It has also been documented that disproportionately large numbers of ethnic students are placed in special education, both nationally and in California. These placement issues and problems are multifaceted. They include, but are not limited to, bias in referral and issues related to assessment and poverty. The Commission is aware of the problem and of the contributing factors. Commission members have attended and developed seminars on this crucial topic and have welcomed hearings and presentations on assessment. The Commission will continue to focus on these issues and work to bring about effective change to minimize the related problems.

## Deaf and Hard-of-Hearing Advisory Task Force

Liaison: *Lawrence Siegel*

The California Deaf and Hard-of-Hearing Education Advisory Task Force issued a report, *Communication Access and Quality Education for Deaf and Hard-of-Hearing Children*, which recommends the following:

1. Deaf and hard-of-hearing children need an educational delivery system that has, at its core, the recognition that “communication” needs must drive that system.
2. A regional system needs to be created that delivers programs and services to deaf and hard-of-hearing children. This specific recommendation is fully consistent with the mandate of AB 602, which was intended to make better use of special education funding.

The recommendations made in the report will be developed into legislation.

## High School Exit Exam

Liaison: *Kendra Rose*

Senate Bill 2X, which passed in March 1999, authorized the development of the High School Exit Examination. Students in California will have to pass this exam in order to receive a high school diploma, beginning with the graduating class of 2004. The purpose of the High School Exit Examination is to improve student achievement and to help ensure that students who graduate from high school can demonstrate competency in the content standards for reading, writing, and mathematics, as adopted by the State Board of Education. The Advisory Commission on Special Education sent a liaison to the High School Examination panel to continue to bring to the panel the issues relevant to children receiving special education. The Commission received a report that addressed the following key issues:

1. The contents of the exam as it was being developed
2. The date the contract for the exam was awarded
3. When the field-testing process began



As of this writing, there are no definite answers to the questions regarding how many and what kind of accommodations can be given to students in special education. The High School Exit Examination panel and the American Institute of Research are aware that many students in special education have IEPs that stipulate testing accommodations. However, in deciding whether an accommodation would be valid or invalid, the panel must consider the purpose for testing and the skills intended to be measured.

## Interagency Committee

Liaison: *Linda Wyatt*

Throughout 1999–2000 the Commission requested that staff from the SED and the California Department of Rehabilitation (CDR) provide periodic updates on the progress of the Transition Partnership Programs (TPPs) and the WorkAbility II (WAIL) programs. These programs are funded through an Interagency Agreement between the two state agencies. The TPPs are programs that identify secondary students with disabilities who qualify for services from the CDR. Once students qualify to become clients of CDR, they are provided with transition services through the TPPs. The WAILs serve students with disabilities from Regional Occupation Programs (ROPs) or from Adult Education Programs. The Interagency Agreement has been in place for a number of years, and it is anticipated that the two state agencies will continue to fund these programs through the Agreement.

## Low-Incidence Disability Advisory Committee (LIDAC)

Liaison: *Shirley Kaltenborn*

The LIDAC met three times during 1999–2000, twice in southern California and once in northern California. This organization had several priority concerns.

1. Developing guidelines for services for the deaf and hard-of-hearing
2. Addressing teacher shortages in the field
3. Holding meetings to discuss Braille and the need for a unified Braille code

Regionalization of services is a continuous need, and will be watched closely. The identification of disabilities in early childhood, the range of incumbent services, and the new IDEA, Part C requirement of a natural environment were of major concern to the LIDAC.

With the reorganization of the CDE's Special Education Division, longtime friend and liaison Jack Hazekamp, was reassigned and was no longer available to the LIDAC. He will be missed.

## Medi-Cal

Liaison: *Angela Hawkins*

The local education agency (LEA) Medi-Cal Billing Program allows LEAs to receive reimbursements for physical and mental health procedures provided to children (ages 0–21) enrolled in Medi-Cal. Prior to June 1999, districts were reimbursed for assessments and diagnoses, treatments and therapies, and targeted case management for students with IEPs.

The passage of AB 2780, Chapter 310/98, enables school and community college districts to receive revenue via federal reimbursement claims under the Medi-Cal Administrative Activities (MAA) Program through a local educational consortium. Unlike the LEA Medi-Cal Billing Program, the MAA Program generates unrestricted federal reimbursement. California K–12 school and community college districts are now able to claim certain activities such as the following:

- Offering Medi-Cal outreach
- Facilitating Medi-Cal applications
- Providing or contracting for nonemergency, nonmedical transportation to services covered by Medi-Cal
- Offering Medi-Cal coordination
- Program planning
- Policy development

## Youth Leadership Forum (YLF)

Liaisons: *Veronica Lomeli, Danielle Morin, and Shawn Mohamed*

The YLF is an intensive, four-day training program aimed at high school juniors and seniors with disabilities. It assists youth with disabilities in developing their career and leadership potential. In addition, the Forum searches for those individuals who represent California's ethnic and special needs diversity. Student delegates generate public policy recommendations to the California Governor's Committee for Employment of Disabled Persons.

# A Look Forward

**T**hroughout the 2000–2001 term, the Commission will continue its work to ensure appropriate class sizes for children with disabilities, including those receiving services from speech and language specialists. The Commission plans to invite legislative representatives and the various stakeholders to focus on the need for appropriate state and federal funding so schools can provide children with the special education services they require. In addition, the Commission will be working closely with the Special Education Division of the California Department of

**T**he Commission will continue to champion the rights of children with special needs in the state of California.

Education to ensure that school districts meet the state and federal laws and regulations that mandate services to children with disabilities. State and federal legislation that impacts services to children with disabilities will continue to be monitored. The

Commission will continue to meet frequently with members of the Legislature, members of the State Board of Education, the Secretary for Education, and the Governor. In conclusion, the Commission will continue to champion the rights of children with special needs in the state of California.

